

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,	)	DOCKET NO. 3:18-cr-214
	)	
	)	
vs.	)	
	)	
BRYANT BUDI,	)	
	)	
Defendant.	)	
	)	

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TRANSCRIPT OF ELECTRONICALLY RECORDED  
PLEA AND RULE 11 HEARING  
BEFORE THE HONORABLE DAVID S. CAYER  
UNITED STATES MAGISTRATE JUDGE  
NOVEMBER 30, 2018

APPEARANCES:

On Behalf of the Government:

CASEY T. ARROWOOD, ESQ.,  
Assistant United States Attorney  
227 West Trade Street, Suite 1700  
Charlotte, North Carolina 28202

On Behalf of the Defendant:

CECILIA OSEGUERA, ESQ.,  
Federal Defenders of Western North Carolina  
129 West Trade Street, Suite 300  
Charlotte, North Carolina 28202

Proceedings digitally-recorded and stenographically  
transcribed by:

LAURA ANDERSEN, RMR  
Official Court Reporter  
United States District Court  
Charlotte, North Carolina

P R O C E E D I N G S

FRIDAY, NOVEMBER 30, 2018 at 9:56:

THE COURT: United States v Bryant Budi.

Are you ready to proceed, Ms. Oseguera?

MS. OSEGUERA: We are, Your Honor.

THE COURT: Sir, I will be asking you some questions about your plea. The clerk will place you under oath first.

BRYANT BUDI, DEFENDANT, SWORN

THE COURT: Sir, do you understand that you are now under oath, and that you are required to give truthful answers to the questions I am about to ask?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you understand that if you give false information under oath you may be prosecuted for perjury or false statement?

THE DEFENDANT: Yes, Your Honor.

THE COURT: After consulting with your attorney, do you want the Court to accept your guilty plea to one count in this Bill of Indictment?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you understand that you have the right to have a United States District Judge conduct this proceeding?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Recognizing your right to proceed before

1 a district judge, do you expressly consent to proceed in this  
2 court today, that is, before a United States Magistrate Judge?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Are you now under the influence of any  
5 alcohol or drugs?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Is your mind clear, and do you  
8 understand you are here to enter a guilty plea in your case?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Have you received a copy of the  
11 indictment, and have you discussed its contents with your  
12 attorney?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Would the Government summarize the  
15 charge and the penalty?

16 MR. ARROWOOD: Good morning, Your Honor.

17 THE COURT: Good morning.

18 MR. ARROWOOD: The charge is that from on or about  
19 April 22, 2018, and continuing through on or about June 1,  
20 2018, in Mecklenburg County, within this district, and  
21 elsewhere, the defendant did knowingly and intentionally  
22 attempt to possess radioactive material with the intent to  
23 cause death or serious bodily injury.

24 In violation of Title 18, United States Code,  
25 Section 2332(i).

1           The maximum penalty for that offense, Your Honor, is  
2 life in prison, a fine of \$2 million, or both, and a term of  
3 supervised release.

4           THE COURT: Do you fully understand the charge  
5 against you, including the maximum penalty you face if  
6 convicted?

7           THE DEFENDANT: Yes, Your Honor.

8           THE COURT: Do you understand that by pleading  
9 guilty to a felony charge you may be deprived of certain civil  
10 rights, such as the right to vote, hold public office, serve  
11 on a jury, or possess a firearm?

12          THE DEFENDANT: Yes, Your Honor.

13          THE COURT: Have you spoken with your attorney about  
14 how the U.S. Sentencing Guidelines might apply to your case?

15          THE DEFENDANT: Yes, Your Honor.

16          THE COURT: Do you understand that the District  
17 Judge will not be able to determine the applicable Sentencing  
18 Guidelines range until after your Presentence Report has been  
19 prepared, and you have had an opportunity to comment on it?

20          THE DEFENDANT: Yes, Your Honor.

21          THE COURT: Do you understand that in some  
22 circumstances you may receive a sentence that is different,  
23 that is, either higher or lower than that called for by the  
24 Sentencing Guidelines?

25          THE DEFENDANT: Yes, Your Honor.

1           THE COURT: Do you understand that the Court may  
2 order restitution where applicable?

3           THE DEFENDANT: Yes, Your Honor.

4           THE COURT: Do you understand that if the sentence  
5 is more severe than you expected, or the Court does not accept  
6 the Government's sentencing recommendation, you will still be  
7 bound by your plea and you will have no right to withdraw it?

8           THE DEFENDANT: Yes, Your Honor.

9           THE COURT: Do you understand that parole has been  
10 abolished. If you are sentenced to a term of imprisonment,  
11 you will not be released on parole?

12          THE DEFENDANT: Yes, Your Honor.

13          THE COURT: If your sentence includes imprisonment,  
14 do you understand that the District Judge may also order a  
15 term of supervised release?

16          THE DEFENDANT: Yes, Your Honor.

17          THE COURT: Do you understand that if you violate  
18 the terms and conditions of supervised release, which  
19 typically lasts from one to five years, you could be returned  
20 to prison for an additional period of time?

21          THE DEFENDANT: Yes, Your Honor.

22          THE COURT: Do you understand that you have a right  
23 to plead not guilty, to have a speedy trial before a judge and  
24 jury, to summon witnesses to testify in your behalf, and to  
25 confront the witnesses against you?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: If you exercised your right to trial,  
3 you would be entitled to the assistance of a lawyer, you would  
4 not be required to testify, you would be presumed innocent,  
5 and the burden would be on the Government to prove your guilt  
6 beyond a reasonable doubt. Do you understand all of these  
7 rights?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: By entering this plea of guilty you are  
10 waiving or giving up those rights, and there will be no trial.  
11 If your guilty plea is accepted, there will be one more  
12 hearing where the District Judge will determine what sentence  
13 to impose. Do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Are you in fact guilty in the one count  
16 in this Bill of Indictment?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Have the United States and the defendant  
19 entered into a plea agreement?

20 MR. ARROWOOD: Yes, Your Honor.

21 THE COURT: You may summarize that.

22 MR. ARROWOOD: Thank you, Your Honor.

23 The Plea Agreement is filed on the docket as  
24 document number 18. It is seven pages in length.

25 Your Honor, I will summarize certain provisions of

1 the Plea Agreement. The defendant understands that each and  
2 every part of the Plea Agreement is material.

3 The defendant agrees to enter a voluntary plea of  
4 guilty to Count One as set forth in the Bill of Indictment and  
5 admits to being in fact guilty as charged in Count One.

6 If the Court finds that the defendant's plea to be  
7 voluntary and knowingly made and accepts the plea, then the  
8 United States will move at the appropriate time to dismiss  
9 Count Two in the Bill of Indictment.

10 As stated earlier during the plea colloquy, Your  
11 Honor, the defendant is aware of the maximum sentence that  
12 applies to Count One.

13 Pursuant to Rule 11(c) (1) (B) the parties agree that  
14 they will jointly recommend that the Court make the following  
15 findings and conclusions as to the Sentencing Guidelines:

16 That Base Offense Level under subsection 2M6.1(a) (2)  
17 applies. That will be a Base Offense Level 28.

18 That the specific offense characteristic outlined in  
19 Section 2M6.1(b) (1) applies to the conduct as well.

20 The parties agree that they will make the above  
21 recommendations as to offense level. They will not seek any  
22 other enhancements or reductions to the offense level.

23 The parties agree that either party may seek a  
24 departure or variance from the applicable guideline range  
25 determined by the District Court at sentencing if such

1 departure or variance is permitted by law.

2 With respect to waivers:

3 That the defendant, in exchange for the concessions  
4 made by the government in this plea agreement, waives all  
5 rights to contest a conviction and sentence in any appeal or  
6 post-conviction action except for claims of ineffective  
7 assistance of counsel or prosecutorial misconduct.

8 Then finally, Your Honor, there are no agreements,  
9 representations, or understandings between the parties in this  
10 case, other than those explicitly set forth in this Plea  
11 Agreement, or as noticed to the Court during this plea  
12 colloquy and contained in writing in a separate document  
13 signed by all parties.

14 This Plea Agreement is signed by myself on behalf of  
15 the government, Ms. Oseguera on behalf of the defendant, and  
16 the defendant.

17 THE COURT: Do you understand those to be the terms  
18 of your Plea Agreement, and do you agree with those terms?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Has the right to appeal your conviction  
21 and sentence been expressly waived in this Plea Agreement?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Has the right to challenge your  
24 conviction and sentence in a post-conviction proceeding also  
25 been waived in the Plea Agreement?



1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Is that your signature on the Plea  
3 Agreement?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Are you aware that a factual basis has  
6 been filed as an attachment to your Plea Agreement?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Have you read this factual basis and do  
9 you understand it and agree with it?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Has anyone threatened, intimidated, or  
12 forced you to enter a guilty plea today?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Other than the terms of your Plea  
15 Agreement, has anyone made you any promises of leniency or a  
16 light sentence to induce you to plead guilty?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Have you had enough time to discuss with  
19 your attorney any possible defenses you may have to this  
20 charge?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Are you satisfied with the services of  
23 your attorney in this case?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Is there anything that you would like to

1 say at this time about the services of your attorney?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Have you heard and understood all parts  
4 of this proceeding, and do you still wish to plead guilty?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Do you have any questions or statements  
7 that you would like to make at this time?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: Ms. Oseguera, have you reviewed each of  
10 the terms of the plea agreement with him, and are you  
11 satisfied that he understands those terms?

12 MS. OSEGUERA: I have, Your Honor. And I am  
13 satisfied he understands those terms.

14 THE COURT: I will submit the transcript for review  
15 and signature by counsel and the defendant.

16 The Court finds the plea to be knowingly and  
17 voluntarily made, finds a factual basis to support the plea,  
18 the plea is accepted.

19 The Court recommends the District Judge accept the  
20 plea and enter judgment thereon.

21 The defendant has 14 days to object.

22 Did you want him interviewed, Ms. Oseguera?

23 MS. OSEGUERA: Yes, please, Your Honor.

24 (The matter is concluded at 10:08.)

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1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF NORTH CAROLINA  
3 CERTIFICATE OF OFFICIAL REPORTER

4 I, Laura Andersen, Federal Official Court Reporter,  
5 in and for the United States District Court for the Western  
6 District of North Carolina, do hereby certify that pursuant to  
7 Section 753, Title 28, United States Code, that the foregoing  
8 is a true and correct transcript of the digitally-recorded  
9 proceedings prepared stenographically and transcribed to the  
10 best of my ability, held in the above-entitled matter and that  
11 the transcript page format is in conformance with the  
12 regulations of the Judicial Conference of the United States.

13 Dated this the 9th day of March 2020.

14 s/Laura Andersen  
15 Laura Andersen, RMR  
16 Official Court Reporter  
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